

Approved
4/9/24

**Village of Voorheesville
Planning Commission Meeting
Village Hall, 29 Voorheesville Avenue
March 5, 2024**

Present: Chairperson Kathy Fiero, Board Member; Jessica Burns, Todd Curley, David Prendergast, Steve Reilly, Carrie Terraferma, Building Inspector/Code Enforcement Officer (CEO) Steve Mason, Attorney Rich Reilly and Deputy Clerk-Treasurer Francine Rychcik

Absent: Board Member Michael McTague, Alternate Harvey Huth

Others: Applicant Jim Cillis, Mark Jacobson and Ronald Groves (Insite Northeast Engineering-Serenity Engineer) and Andrew Bailey (C. T. Male- Village Designated Engineer ["Village Engineer"])

On the agenda:

Major Subdivision application - Serenity Land Development (Crow Ridge Road/Helderberg Parkway)

Chairperson, Kathy Fiero opened the meeting at 6:58 PM.

Minutes

The Commission reviewed the minutes from the December 5, 2023 meeting. **Upon a motion from Board Member Burns and a second from Board Member Reilly, the Board unanimously accepted and approved the minutes from the December 5, 2023 meeting.**

Board Discussion

Mr. Jacobson addressed the Commission regarding the two open issues noted in the review provided by the Village Engineer, dated February 22, 2024 (attached). The issues as outlined were as follows:

1. A permit is required for the wetland and stream impacts associated with the new road/driveway crossing and a copy of the permit is to be provided to the Village.
Mr. Jacobson (Insite Engineering (INE)) has indicated that a wetland work permit has been filed for this project by North Country Ecological Services with the Army Corps of Engineers (ACOE) and will be provided when obtained.
2. The 18" vertical separation between the stormwater culvert and the water service lines is not being met.

Mr. Jacobson indicated that the water line would be placed above the

culvert line and a 16” vertical distance would be the maximum separation that could be met. He proposed that the water line could be insulated and encased in concrete if the 16” separation was not sufficient. The Commission deferred to the Village Engineer. The Village Engineer agreed that having the water line insulated and encased in concrete would be an acceptable solution if the full 18” vertical distance could not be met.

Attorney Reilly noted that the Applicant has submitted both a long and short environmental assessment form. The Short Environmental Assessment Form (SEAF) will be the form used to review the application under the New York State Environmental Quality Review Act (SEQRA)—if the Commission determines to proceed with the application at this point.

The Commission then decided to proceed with the application. **Board Member Fiero** read aloud the questions listed in Part 2 of the impact assessment. For each of the questions in Part 2, the Commission reviewed and answered that no or only a small impact would result from the proposed project. (Part 2 attached). Part 3 of the impact assessment was then reviewed and further discussed.

Attorney Reilly discussed the “Declaration of Restrictions” (attached). He indicated that the intent of the Declaration is to ensure that the limitations that are being placed on the Open Space/Conservation areas are maintained—and to ensure that the existence of the restrictions is filed with the County Clerk and appears in the “Chain of Title” for the properties.

Mr. Cillis requested clarification on the flexibility of the placement of the houses on the lots. He noted that many homeowners do not want their ability for movement restricted. Attorney Reilly indicated there would be minimal flexibility once the plat map and “Declaration of Restrictions” is filed with the county clerk.

Board Member Terraferma made a motion, with a second from Board Member Curley to approve Resolution 1 of 2024 (Action under SEQRA) (attached), finding that the Serenity Subdivision was not likely to result in any significant adverse environmental impacts. The vote was Chairperson Fiero – Yes, Board Member Burns – Yes, Board Member Curley – Yes, Board Member Prendergast – Yes, Board Member Reilly, Board Member Terraferma – Yes. Board Member McTague - Absent. Motion passed unanimously.

The Commission then discussed the following other issues; all of which are outlined in more depth in **Resolution 2 of 2024 (Action on Application)**.

1. The Subdivision shall conform to final Plan Set for Serenity Subdivision dated February 14, 2024—with modifications to comply with the recommendations in Village Engineer’s letter dated February 22, 2024.
2. The Applicant shall adopt and file with Albany County Clerk—before any Building Permits are issued—“Declaration of Restrictions” approved by the Village Attorney and substantially in the form of the draft proposed by the Village Attorney. (Attached).
3. All Deeds in Subdivision shall contain Restrictive Covenant language.
4. The Applicant shall install two streetlights—with the exact location and specifications to be determined in consultation with Village Superintendent of

Public Works and Code Enforcement.

5. The Applicant in consultation with the DPW will improve the drainage ditch on Crow Ridge that abuts the Applicant's property.
6. The Stormwater Pond Fencing is to be 4-ft, black vinyl, chain link fence. Gates are to be 6-ft wide; and shrubbery—agreed to by the Village Superintendent of Public Works and Code Enforcement—is to be planted where basin is visible from NYS Route 85A.
7. All inspections of site and infrastructure work are to be conducted by Village Engineer.

Board Member Reilly made a motion, with a second from Board Member Terraferma to approve with certain conditions as outlined in Resolution 2 of 2024 (Action on Application), the Serenity Major Subdivision Final Plat dated February 14, 2024. The vote was Chairperson Fiero – Yes, Board Member Burns – Yes, Board Member Curley – Yes, Board Member Prendergast – Yes, Board Member Reilly, Board Member Terraferma – Yes. Absent Board Member McTague. Motion passed unanimously.

At 8:06 pm upon a motion by Board Member Burns and a second by Board Member Prendergast the meeting was adjourned. All agreed, motion passed.

Attached:

C.T. Male Associates review dated February 22, 2024.
Insite Northeast Engineering letter dated January 3, 2024-Traffic Impact Study.
Short Environmental Assessment Form Part 1 filled out by Applicant dated January 25, 2024. Short Environmental Assessment form Part 2 and Part 3 filled out by Planning Commission. Resolution 1 of 2024 (Action under SEQRA)
Resolution 2 of 2024 (Action on Application)
Declaration of Restrictions

Schedule of Upcoming Meetings and Events

Date	Day	Time	Event
April 9, 2024	Tue	7:00 PM	Meeting

Submitted Respectfully,


Francine Rychcik Deputy-Clerk Treasurer

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 www.ctmale.com



February 22, 2024

Mr. Steve Mason
Code Enforcement Office and Building Inspector
Village of Voorheesville
29 Voorheesville Avenue
Voorheesville, NY 12186

Re: *Serenity Subdivision Review*
New Salem Road & Crow Ridge Road
CTMA Project No. 16.6446

Dear Mr. Mason:

We have conducted a review of the following as submitted by JJ Cillis Group, LLC for construction of an 11-lot major subdivision for general conformance with the Village of Voorheesville Zoning Law requirements for the Residential Zone:

- Application for Major Subdivision.
- Cover Letter dated January 27, 2022.
- Plan Set for "Serenity Subdivision", prepared by Insite Northeast Engineering & Land Surveying, P.C., dated February 14, 2024.
- Full Environmental Assessment Form dated February 28, 2022.
- Comment Response Letter dated January 25, 2024.
- Stormwater Management and SWPPP for "Serenity Subdivision", prepared by Insite Northeast Engineering & Land Survey, P.C., dated September 2022, revised February 2024.

Our review assumes that the data and calculations presented on the plans are true and correct representations of existing and proposed conditions and our review is not intended to relieve the Applicant or their agent of their responsibility for the accuracy and completeness of the information shown thereon.

We offer the following comments based upon the most recent submission and the comments provided in our November 2023 letter. The remaining two comments are technical in nature and would not preclude the Planning Commission from moving forward with determinations on the project.

Engineering Plans:

1. Previous Comment; C-130: A permit is required for the wetland and stream impacts associated with the new road/driveway crossing. Please coordinate with the applicable entity with jurisdiction (ACOE or NYSDEC) and provide a copy of that permit to the Village as part of the final subdivision approval process.

C.T. MALE ASSOCIATES

Date: February 22, 2024

To: Steve Mason, Village of Voorheesville

Re: Serenity Subdivision Review

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2. C-300: The required 18" vertical separation between the culvert and water service lines is not being met. The applicant's engineer states that the seamless copper is acceptable in this case. Code requires that the 18" of vertical separation be met. For a project that is new construction, there is no reason why the water service lines cannot be installed at a depth that meets the 18" of vertical separation. Waivers from this separation are generally only acceptable for cases where there are existing utilities that limit this separation requirement from being met.

Please feel free to call me at 518.786.7651 or via email at k.serra@ctmale.com should you have any questions in this matter.

Sincerely,

C.T. MALE ASSOCIATES



Kathryn C. Serra, P.E.
Project Manager



Insite Northeast Engineering & Land

Civil Engineering • Site Design • Land Development • Utilities • Stormwater • Land Surveying

Insite Northeast
Mark C. Jacobson
President
2301 Western Avenue
Guilderland, NY 12084

January 3, 2024

Kathryn C. Serra, P.E.
Project Manager
CT Male Associates
50 Century Hill Drive
Latham, NY 12110

Re: Serenity Subdivision Review
New Salem Road & Crow Ridge Road CTMA Project No. 16.6446
Insite Northeast Project 21023

Dear Ms. Serra:

This letter is to address the issue of whether a traffic impact study needs to be performed for any potential traffic impacts that this project may have on Crowridge Road and Helderberg Parkway (NYS Route 85A).

As you are aware, the project consists of 11 lots. One of the lots – Lot 7, has a single driveway entrance on Helderberg Parkway and will have negligible impacts on traffic and therefore will be excluded from consideration. The ten other lots will utilize the proposed roadway that connects to Crowridge Road.

Based on the Institute of Transportation Trip Generation Manual, the development of ten single family lots would result in an increase of 0.75 trips per home during the AM peak hour, and 1.0 trips during the PM peak hour. This results in a total of 8 trips during the AM peak hour, and 10 trips during the PM peak hour. This minimal increase of trips will not result in a significant impact to the rural nature of this neighborhood.

It is our professional opinion that a full traffic study for this project is not needed.

If you need further information, please contact our office at 518-867-3323.

Sincerely,

Ronald L. Groves, P.E.
Senior Civil Engineer

Cc: Steve Mason, Village of Voorheesville
Jim Cillis

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Serenity Subdivision			
Project Location (describe, and attach a location map): Helderberg Parkway & Crow Ridge Road			
Brief Description of Proposed Action: Applicant proposes to develop the currently undeveloped parcel into 11 residential subdivision lots. The proposed road is to be dedicated to the village, to provide the necessary frontage and lot widths necessary to adhere to zone regulations. The proposed subdivision plan and open space area adheres to the residential cluster development design requirements. All lots are proposed to be serviced with municipal water. All lots except Lot 7 are proposed to be serviced with municipal sewer. The property contains federal wetlands and steep slopes which are to be designated a protected slopes. Disturbances will be kept within appropriate setbacks to comply with village code.			
Name of Applicant or Sponsor: JJ Cillis Group, LLC		Telephone: 518-459-4921 E-Mail: jmcillis@gmail.com	
Address: 83 Maple Road			
City/PO: Voorheesville		State: NY	Zip Code: 12186
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town planning board, Albany County Health Dept., NYDEC, U.S. Army Corps of Engineers			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		18.86 acres	
b. Total acreage to be physically disturbed?		10 +/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		18.86 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ 0.03 +/- Acres _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

a. Will storm water discharges flow to adjacent properties?

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If Yes, briefly describe:

Stormwater collected and treated in an on-site stormwater management area. Mitigated stormwater runoff to be directed to on-site wetlands.

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
If Yes, explain the purpose and size of the impoundment:

Stormwater detention/treatment. 0.5 Acres

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:


NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: JJ Cillis Group, LLC Date: 1-25-24

Signature:  Title: Member

Project:	Serenity Subdivision
Date:	March 5, 2024

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

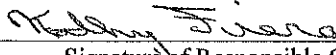
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Serenity Subdivision**

Date: **March 5, 2024**

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Voorheesville Planning Commission	March 5, 2024
Name of Lead Agency	Date
Kathy Fiero	Chairperson
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**VILLAGE OF VOORHEESVILLE
PLANNING COMMISSION**

**Resolution Number 1 of 2024
(Action Under SEQRA)**

WHEREAS, JJ Cillis Group, LLC (the “Applicant”) has submitted to the Village of Voorheesville (the “Village”) an application (the “Application”) for a major subdivision (the “Subdivision”), to be located near the intersection of Helderberg Parkway and Crow Ridge Road, Voorheesville, New York (the “Site”); and

WHEREAS, pursuant to the Village’s Zoning Code, the Subdivision is subject to review and approval by the Village of Voorheesville Planning Commission (the “Commission”); and

WHEREAS, the Commission is the agency “principally responsible for” review of major subdivisions within the Village; and

WHEREAS, on or about October 3, 2023, the Commission classified the Subdivision as an “Unlisted Action,” and determined to undertake a “Coordinated Review;” and

WHEREAS, on November 14, 2023, the Commission opened a Public Hearing on the Subdivision, received public comment and then left the public hearing open to receive additional written public comment through December 5, 2023; and

WHEREAS, the Commission then formerly closed the Public Hearing on December 5, 2023; and then had further discussions concerning the Applicant; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Commission is obligated to make a determination of environmental significance in connection with its review of the Subdivision; and

WHEREAS, as part of its Application the Applicant submitted to the Commission Part 1 of both a Short and Full Environmental Assessment Form; and

WHEREAS, the Commission has thoroughly reviewed the Application and other supporting documentation submitted by the Applicant, and has considered any public comments it has received, including those received in written form; and

WHEREAS, the Commission reviewed and completed Part 2 of the Short Environmental Assessment Form, and took a hard look at the potential for significant adverse environmental impacts of the Subdivision; and

WHEREAS, as necessary the Commission reviewed and completed Part 3 of the Short Environmental Assessment Form; and

WHEREAS, the Commission has duly considered the Environmental Assessment Form, as well as the criteria for determining significance under SEQRA, as set forth in 6 NYCRR 617.7(c), and deliberated on the potential significant adverse environmental impacts of the Subdivision; and

WHEREAS, the Commission determines that the Subdivision [will / will not] result in one or more potentially large or significant adverse impacts.

NOW, THEREOFRE, BE IT RESOLVED by the Planning Commission of the Village of Voorheesville, at a regular meeting duly convened, as follows:

1. The Planning Commission of the Village of Voorheesville hereby adopts a negative Declaration pursuant to SEQRA with respect to the Subdivision, and incorporates herein the findings and determinations set forth in Parts 2 and 3 of the Shorts Environmental Assessment Form, reviewed and agreed to by the Commission.
2. The Village's Attorney is directed to work with the Village's Codes Enforcement Officer and the Clerk's Office to complete any necessary filings.

The foregoing Resolution, offered by Commission Member Terraferma and seconded by Commission Member Curley, was duly put to a roll call vote as follows:

Member Steven Reilly	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Mike McTague - Absent	Voting:	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Todd Curley	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member David Prendergast	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Jessica Burns	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Carrie Terraferma	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Alternate Member Harvey Huth - Absent	Voting:	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
Chairperson Kathy Fiero	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

Dated: March 5, 2024

Francine Rychcik
Francine Rychcik, Recording Secretary

**VILLAGE OF VOORHEESVILLE
PLANNING COMMISSION**

**Resolution Number 2 of 2024
(Action on Application)**

WHEREAS, JJ Cillis Group, LLC (the “Applicant”) has submitted to the Village of Voorheesville (the “Village”) an application (the “Application”) for a major subdivision (the “Subdivision”), to be located near the intersection of Helderberg Parkway and Crow Ridge Road, Voorheesville, New York (the “Site”); and

WHEREAS, pursuant to the Village’s Zoning Code, the Subdivision is subject to review and approval by the Village of Voorheesville Planning Commission (the “Commission”); and

WHEREAS, on or about October 3, 2023, the Commission classified the Subdivision as an “Unlisted Action,” and determined to undertake a “Coordinated Review;” and

WHEREAS, on November 14, 2023, the Commission opened a Public Hearing on the Subdivision, received public comment and then [left the public hearing open to receive additional written public comment through December 5, 2023, before formally closing the Public Hearing on that date; and

WHEREAS, the Commission has received and considered input from the Village’s Engineer in connection with the Application; referred the Application to and received comment from, the Albany County Planning Board; and coordinated its review with the Village’s Department of Public Works; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, the Commission reviewed Part 1 of both a Full and Short Environmental Assessment Form submitted by the Applicant; reviewed and completed Parts 2 and 3 of the Short Environmental Assessment Form, taking a hard look at the potential for significant adverse environmental impacts of the Subdivision; and determined that the Subdivision is not likely to result in one or more potentially large or significant adverse impacts; and

WHEREAS, the Commission has reviewed the Application and other supporting documentation submitted by the Applicant, and has considered any public comments it has received, including those received in written form.

NOW, THEREOFRE, BE IT RESOLVED by the Planning Commission of the Village of Voorheesville, at a regular meeting duly convened, as follows:

1. Action on Application. The Planning Commission finds that:

[] The Major Subdivision fails to satisfy the requirements and standards set forth in the Village of Voorheesville Zoning Code and/or any other applicable law or regulation and therefore the Final Plat is DISAPPROVED.

Reasons _____

[] The Major Subdivision satisfies the requirements and standards set forth in the Village of Voorheesville Zoning Code and other applicable laws and regulations and therefore the Final Plat is APPROVED.

Reasons _____

[X] With certain conditions imposed the Major Subdivision satisfies the requirements and standards set forth in the Village of Voorheesville Zoning Code and other applicable laws and regulations and therefore the Final Plat is APPROVED WITH CONDITIONS.

2. **CONDITIONS:** The Planning Commission further finds that the following conditions are necessary in order to minimize objectionable impacts of the Major Subdivision upon the neighborhood or community:

- Condition No. 1: The Subdivision shall conform in all respects to the final Plan Set for Serenity Subdivision, dated February 14, 2024; as modified to address the comments and comply with the recommendations contained in the Village Designated Engineer's February 22, 2024 review letter (by enclosing water line in concrete).
- Condition No. 2 The Applicant shall adopt and file with the Albany County Clerk a Declaration of Restrictions for the Open Space/Deed Restricted Conservation Areas contained in the Subdivision—in a form approved by the Village Attorney, which form shall substantially conform with the Declaration of Restrictions annexed hereto. No Building Permit may be issued for the Subdivision unit proof of the filing of such Declaration of Restrictions is provided to the Village.
- Condition No. 3: All deeds for lots in the Subdivision shall contain the Restrictive Covenant language required in the Declaration of Restrictions. Proof of Compliance with this condition shall be submitted to the Village at the time each lot is conveyed by the Applicant and/or site owner.
- Condition No. 4: The Applicant shall install two (2) streetlights—with one (1) located near the intersection with Crow Ridge Road and one (1) located near the turnaround at the end of the cul-de-sac. The exact location of and specifications for the lights shall be determined in consultation with the Village's Superintendent of Public Works and Codes Enforcement Officer. All streetlights shall be shielded and contain adjustable LED lighting to reduce off-sight impacts.

- Condition No. 5: In consultation with the Village's Department of Public Works, the Applicant shall construct and/or improve the drainage ditch that runs along the edge of the property line.
- Condition No. 6: Any retention basin(s) constructed in connection with the Subdivision shall be surrounded by a 4-foot, black vinyl, chain link fence. The fence shall be located 6 feet from the edge of the basin; and contain gates that are at a minimum 6 feet wide, with the location of those gates determined by the Village's Department of Public Works. Where any basin is visible from New York State Route 85A, it shall be shielded by 36-inch viburnum shrubbery planted 6 feet apart.
- Condition No. 7 All inspections of site and infrastructure work in connection with the Subdivision shall be conducted by the Village Designated Engineer. The Applicant shall deposit sufficient funds in escrow (in an amount to be determined by the Village's Codes Enforcement Officer) to pay for same.
- Condition No. 8 During construction the Applicant will seek to have truck traffic enter Crow Ridge Road from New York State Route 85A.

3. Once all conditions have been satisfied, including those contained in Section 408 of the Village of Voorheesville Subdivision Law, the Planning Commission Chairperson, Village Engineer and Public Works Superintendent will sign the Final Plat. The Applicant must pay all fees and satisfy all filing requirements. Failure of the Applicant to file the Final Plat within sixty-two (62) days of the signing of the Final Plat shall make the approval of the Planning Commission null and void, unless an extension is requested in writing and granted by the Planning Commission in advance.

The foregoing Resolution, offered by Commission Member Reilly and seconded by Commission Member Terraferma, was duly put to a roll call vote as follows:

Member Steven Reilly	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Mike McTague - Absent	Voting:	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Todd Curley	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member David Prendergast	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Jessica Burns	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Member Carrie Terraferma	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Alternate Member (Harvey Huth) - Absent	Voting:	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay
Chairperson Kathy Fiero	Voting:	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

Dated: March 5, 2024

Francine Rychcik
Francine Rychcik, Recording Secretary

DECLARATION OF RESTRICTIONS

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:

THIS DECLARATION OF RESTRICTIONS is adopted and made this ___ day of _____, 2024, by Serenity Land Development, LLC, 83 Maple Road, Voorheesville, New York 12186 (“Declarant”).

RECITALS

WHEREAS, Declarant is the owner of certain real property (the “Real Property”) located at the corner of Helderberg Parkway (New York State Route 85A) and Crow Ridge Road, in the Village of Voorheesville (“Village”), Albany County, New York, more particularly described in the map entitled “Subdivision Plan, Serenity Subdivision”, drawing Number C-010 (the “Map”), prepared by Insite Northeastern Engineering and Land Surveying, P.C., dated March 07, 2023 and last revised February 14, 2024 (a/k/a Tax Map #72.10-1-14.11); and

WHEREAS, Declarant has sought and obtained approval for the subdivision of the Real Property as a “Conservation Subdivision” pursuant to the Village’s Zoning Code and Subdivision Law; which approval as a Conservation Subdivision requires that the Subdivision be subject to certain “Open Space Requirements;” and

WHEREAS, as an express condition of the approval of the Conservation Subdivision, Declarant has agreed to adopt and file this Declaration of Restrictions; and to set forth Declarant’s common plan or scheme for the portion of the Real Property that is delineated as Open Space/Deed Restricted Conservation Area (the “Open Space Conservation Area”) on the Map, a copy of which is annexed hereto and as **Attachment A**.

NOW WHEREFORE, Declarant hereby declares that the Real Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding on all heirs, successors, assigns (they are included in the term, "Declarant," below), lessees, or other occupiers and users.

1. **Prohibitions.** Within or on the Open Space Conservation Area, Declarant is and shall be prohibited from the following: any and all filling, draining, flooding, dredging, impounding or clearing of land or water; the burning, cultivation, cutting or destroying of any vegetation; the erecting, construction or placement of any structure or non-natural thing; the releasing of any wastes; or the doing of any work; introducing exotic species into the Real Property; from changing the grade or elevation, impairing the flow or circulation of waters, reducing the reach of waters; and constructing or leaving any structure or other non-native thing. The following are expressly excepted from this paragraph: (a) small impacts associated with hunting (excluding planting or burning), fishing, and similar recreational or educational activities, consistent with the continuing natural condition of the Real Property; (b) removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to natural disaster; (c) restoration or mitigation required under law.

2. **Amendment.** After recording, this Declaration of Restrictions may only be amended by a recorded document signed by the Chairperson of the Planning Commission. Amendment shall be allowed at the discretion of the Planning Commission, in consultation with the Board of Trustees as appropriate, and then only in exceptional circumstances. There shall be no obligation to allow an amendment.

3. **Notice to Government.** Any permit application, or request for certification or modification, which may affect the Real Property, made to any governmental entity, shall expressly reference and include a copy (with the recording stamp) of these restrictive covenants.

4. **Reserved Rights.** It is expressly understood and agreed that this Declaration of Restrictions does not grant or convey to members of the general public any rights of ownership, entry or use of the Real Property. The restrictions contained herein are created solely for the protection of the Real Property, and for the consideration and values set forth above, and Declarant and its successors and assigns reserve the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the Real Property for all purposes not inconsistent with these restrictive covenants.

5. **Compliance Inspections.** Notwithstanding any other provision contained herein, the Village and its authorized agents shall have the right to enter and go upon the Real Property, to inspect the Real Property and take actions necessary to verify compliance with this Declaration of Restrictions.

6. **Enforcement.** The Declarant grants to the Village, a discretionary right to enforce this Declaration of Restrictions in a judicial action against any person(s) or other entity(ies) violating or attempting to violate the restrictive covenants contained herein; provided, however, that no violation of these restrictive covenants shall result in a forfeiture or reversion of title. In any enforcement action, the Village shall be entitled to a complete restoration for any violation, as well as any other judicial remedy such as civil penalties.

All other benefitted parcels created as part of the Conservation Subdivision shall also have a right of enforcement.

7. **Property Transfers.** Declarant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any interest in any or all of the Real Property (that failure to comply with this paragraph shall not impair the validity or enforceability of these restrictive covenants.):

NOTICE: This Real Property is subject to a Declaration of Restrictions recorded at the Albany County Clerk's office in Liber _____ page _____ on _____, 2024.

8. **Marking of the Real Property.** The perimeter of the Open Space Conservation Area shall at all times be plainly marked by permanent signs identifying the land as "Protected Natural Area," or by an equivalent, permanent marking system, approved by the Village Codes Enforcement Officer.

9. **Recording of Subdivision Plan.** A map depicting the boundaries of the Real Property subject to this Declaration of Restrictions shall be filed in the Albany County Clerk's office prior to the recording of this Declaration of Restrictions. The map known as "Subdivision Plan, Serenity Subdivision", drawing Number C-010, prepared by Insite Northeastern Engineering and Land Surveying, P.C. dated March 07, 2023 and last revised February 14, 2024 is recorded in the Albany County Clerk's Office as Map _____.

10. **Separability Provision.** Should any separable part of this Declaration of Restrictions be held contrary to law, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictions the date written above.

IN THE PRESENCE OF:

DECLARANT:
**SERENITY LAND DEVELOPMENT,
LLC**

Witness

By: _____
James M. Cillis, Member

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

On the ____ day of _____ in the year 2024, before me, the undersigned, personally appeared **JAMES M. CILLIS**, personally known to me to provide to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on this instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



Department of
Environmental
Conservation

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

**MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance
Form**
for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name: JJ Cillis Group, LLC
2. Contact Person: Jim Cillis
3. Street Address: 83 Maple Road
4. City/State/Zip: Voorheesville, NY 12186

II. Project Site Information

5. Project/Site Name: Serenity Subdivision
6. Street Address: Helderberg Parkway
7. City/State/Zip: Voorheesville, NY 122186

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by: CT Male Associates
9. Title/Position: Village Designated Engineer
10. Date Final SWPPP Reviewed and Accepted: 03/05/2024

IV. Regulated MS4 Information

11. Name of MS4: Village of Voorheesville
12. MS4 SPDES Permit Identification Number: NYR20A
13. Contact Person: Frank Fazio- Storm Water Officer
14. Street Address: 29 Voorheesville Avenue
15. City/State/Zip: Voorheesville, NY 12186
16. Telephone Number: 518-765-2692

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).
Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name: **Honorable Richard Straut**

Title/Position: **Mayor of Voorheesville**

Signature: 

Date: **3/15/24**

VI. Additional Information

VILLAGE OF VOORHEESVILLE
Planning Commission

AGENDA
March 5, 2024

Approval of Minutes:

- December 5, 2023 Board Meeting

Discussion Items

- Major Subdivision Application – Serenity Land Development
(Crow Ridge Road/Helderberg Parkway)

Action Items

- SEQRA determination for Serenity Subdivision
- Plat Plan Approval/Disapproval for Serenity Subdivision

Other Business

Adjourn



Attendance Sheet

Committee

PC

Meeting Date:

2/5/24

Please clearly print name

1 Andrew Bailey CT Male

2 Ronald Groves INSITE NORTHEAST Engineering

3 MARK JOHNSON " " # Surveying

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